

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 314 AND 318

SECTION 1. AMENDMENT. Senate Rule 314 is amended as follows:

314. PREVIOUS QUESTION. If a motion calling for the previous question, or any other motion to end debate, carries by a majority vote of the members present, the question must be put immediately, and no member may speak except on a request for information or on a parliamentary inquiry. A member may not move the previous question if that member is debating the issue before the Senate.

SECTION 2. AMENDMENT. Senate Rule 318 is amended as follows:

318. VOTES REQUIRED FOR CERTAIN QUESTIONS.

1. The following questions require a majority vote of the members of the Senate present and voting:
 - a. Action, other than referrals or rereferrals to the Appropriations Committee on certain measures, as authorized in Senate Rule 329.
 - b. Order to a chairman to report a measure back from committee, as provided in Senate Rule 508.
 - c. Adoption of amendments, as provided in Senate Rule 601.
 - d. Reconsideration of the adoption of an amendment, as provided in Senate Rule 347.
 - e. Adoption of propositions of a divided question if the division would require a majority vote of the members present, as provided in Senate Rule 319.
 - f. Adoption of conference committee reports, as provided in Senate Rule 605.
 - g. Previous question, as provided in Senate Rule 314.
 - h. To close, limit, or extend debate.
 - i. To return a measure requested by the House before action, as provided in Joint Rule 204.
 - ~~h.~~ j. To have the President refuse to sign any bill the House refuses to return, as provided in Senate Rule 349.
 - ~~i.~~ k. To request preparation of a fiscal note, as provided in Joint Rule 501.

1 j- L. Any question for which another vote is not required by the Constitution or
2 another rule.

3 2. The following questions require a majority vote of the members-elect of the
4 Senate:

- 5 a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and
6 Senate Rule 339.
- 7 b. Passage of proposed amendments to the Constitution of North Dakota, as
8 provided in Section 16, Article IV, of the Constitution.
- 9 c. Ratification of amendments to the Constitution of the United States, as
10 provided in Senate Rule 339.
- 11 d. To recede before a conference in a case where a majority governs, as
12 provided in Joint Rule 202.
- 13 e. To constitute a quorum, as provided in Senate Rule 103.
- 14 f. Election of certain Senate employees, as provided in Senate Rule 206.
- 15 g. Suspension of further proceedings under a call of the Senate, as provided in
16 Senate Rule 303.
- 17 h. Adoption of propositions of a divided question if the division would require a
18 majority vote of the members-elect, as provided in Senate Rule 319.
- 19 i. Reconsideration of questions other than adoption of amendments if before
20 the end of the next legislative day, as provided in Senate Rule 347.

21 3. The following questions require a two-thirds vote of the members of the Senate
22 present and voting, which two-thirds may, in no event, constitute fewer than a
23 majority of the members-elect of the Senate:

- 24 a. Introduction of measures after deadline, as provided in Senate Rule 402.
- 25 b. Return of measures to other house after action taken, as provided in Joint
26 Rule 204.
- 27 c. ~~Previous question.~~

28 4. The following questions require a two-thirds vote of the members-elect of the
29 Senate:

- 30 a. Initiated and referred measures amended or repealed within seven years after
31 enactment or approval, as provided in Section 8, Article III, of the Constitution
32 and Senate Rule 339.
- 33 b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.

- c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
- d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in Senate Rule 319.
- e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
- f. Second reading same day as report, as provided in Senate Rule 337.
- g. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in Senate Rule 347.
- h. Reconsideration after a clincher motion, as provided in Senate Rule 348.
- i. Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
- j. Suspension of the rules, as provided in Senate Rule 324.
- k. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

5. A question to withdraw a measure after it has been referred to committee requires unanimous consent of the members of the Senate, as provided in Senate Rule 331.

SECTION 3. AMENDMENT. House Rule 314 is amended as follows:

314. PREVIOUS QUESTION. If a motion calling for the previous question, or any other motion to end debate, carries by a majority vote of the members present, the question must be put immediately, and no member may speak except on a request for information or on a parliamentary inquiry. A member may not move the previous question if that member is debating the issue before the House.

SECTION 4. AMENDMENT. House Rule 318 is amended as follows:

318. VOTES REQUIRED FOR CERTAIN QUESTIONS.

1. The following questions require a majority vote of the members of the House present and voting:
 - a. Action, other than referrals or rereferrals to the Appropriations Committee on certain measures, as authorized in House Rule 329.
 - b. Order to a chairman to report a measure back from committee, as provided in House Rule 508.
 - c. Adoption of amendments, as provided in House Rule 601.

- d. Reconsideration of the adoption of an amendment, as provided in House Rule 347.
 - e. Adoption of propositions of a divided question if the division would require a majority vote of the members present, as provided in House Rule 319.
 - f. Adoption of conference committee reports, as provided in House Rule 605.
 - g. Previous question, as provided in Senate Rule 314.
 - h. To close, limit, or extend debate.
 - i. To return a measure requested by the Senate before action, as provided in Joint Rule 204.
 - ~~h.~~ j. To have the Speaker refuse to sign any bill the Senate refuses to return, as provided in House Rule 349.
 - ~~i.~~ k. To request preparation of a fiscal note, as provided in Joint Rule 501.
 - ~~j.~~ l. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the House:
- a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and House Rule 339.
 - b. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 16, Article IV, of the Constitution.
 - c. Ratification of amendments to the Constitution of the United States, as provided in House Rule 339.
 - d. To recede before a conference in a case where a majority governs, as provided in Joint Rule 202.
 - e. To constitute a quorum, as provided in House Rule 103.
 - f. Election of certain House employees, as provided in House Rule 206.
 - g. Suspension of further proceedings under a call of the House, as provided in House Rule 303.
 - h. Adoption of propositions of a divided question if the division would require a majority vote of the members-elect, as provided in House Rule 319.
 - i. Reconsideration of questions other than adoption of amendments if before the end of the next legislative day, as provided in House Rule 347.
 - j. Adoption of a clincher motion, as provided in House Rule 348.

- 1 3. The following questions require a two-thirds vote of the members of the House
2 present and voting, which two-thirds may, in no event, constitute fewer than a
3 majority of the members-elect of the House:
- 4 a. Introduction of measures after deadline, as provided in House Rule 402.
5 b. Return of measures to other house after action taken, as provided in Joint
6 Rule 204.
7 c. ~~Previous question.~~
- 8 4. The following questions require a two-thirds vote of the members-elect of the
9 House:
- 10 a. Initiated and referred measures amended or repealed within seven years after
11 enactment or approval, as provided in Section 8, Article III, of the Constitution
12 and House Rule 339.
13 b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
14 c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the
15 Constitution.
16 d. Adoption of propositions of a divided question if the division would require a
17 two-thirds vote of the members-elect, as provided in House Rule 319.
18 e. To recede before a conference in a case where two-thirds governs, as
19 provided in Joint Rule 202.
20 f. Second reading same day as report, as provided in House Rule 337.
21 g. Reconsideration after the next legislative day, as provided in House Rule 347.
22 h. Reconsideration after a clincher motion, as provided in House Rule 348.
23 i. Suspension of requirement that copies of amendments be distributed before
24 acted on, as provided in House Rule 601.
25 j. Suspension of the rules, as provided in House Rule 324.
26 k. Amendment, reconsideration, or suspension of a joint rule, as provided in
27 Joint Rule 105.
- 28 5. The following questions require the unanimous consent of the members of the
29 House:
- 30 a. Suspension of the rules and passage of a bill neither printed nor heard by a
31 committee, as provided in House Rule 324.
32 b. Reconsideration or suspension of a standing rule or order requiring
33 unanimous consent, as provided in House Rule 324.

- 1 c. Amendment of measures on second reading except to amend the title, as
- 2 provided in House Rule 333.
- 3 d. Withdrawal of a measure after it has been referred to committee, as provided
- 4 in House Rule 331.

NOTE: This proposed rules amendment is in response to a suggestion that motions to limit debate or to move the previous question should be decided by majority, rather than two-thirds, vote. Under subsection 3, the previous question currently requires a two-thirds vote of the members present. This rule, however, is confusing. Subsection 1(j) provides for a majority vote of the members present is the vote required for any question "for which another vote is not required by ... **another** rule." Subsection 3 of the **same** rule provides for a two-thirds vote of the members present for the previous question. Senate and House Rules 314 do not refer to a vote requirement, as do other rules.

The rules are silent on the vote required to approve a motion to close, limit, or extend debate, and thus subsection 1(j) applies and the vote requirement is a majority of the members present. Mason's Manual of Legislative Procedure treats these motions similarly. Section 350 provides the previous question requires a majority vote, and Section 358 provides a motion to close, limit, or extend debate requires a majority vote.